

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

TEXAS BANKERS ASSOCIATION; and RIO BANK, MCALLEN, TEXAS

Plaintiffs,

v.

Case No: _____

CONSUMER FINANCIAL PROTECTION BUREAU; and ROHIT CHOPRA, in his official capacity as Director of the Consumer Financial Protection Bureau,

Defendants.

DECLARATION OF FORD SASSER

In accordance with 28 U.S.C. § 1746, Ford Sasser offers the following declaration:

1. My name is Ford Sasser. I am the Chief Executive Officer of Rio Bank in McAllen, Texas.
2. Rio Bank is a state-chartered community bank founded in in South Texas along the Texas and Mexico border. Our market is about 90% to 95% Hispanic. Our bank has approximately \$800 million in total assets with 14 locations throughout the Rio Grande Valley extending from Roma to Brownsville, and we employ about 200 people.
3. The FDIC has designated our bank as a Minority Depository Institution (MDI) due to the majority of its Board of Directors consisting of Hispanic individuals and the bank serving a minority community.
4. As a community bank, we are the life blood for small businesses. Lending to these small businesses is what allows them to expand their operations, add new customers, hire

more employees, and, most importantly, promote the economic opportunities for the growing population in the counties we serve.

5. In the year 2022, Rio Bank made 409 small business and agricultural loans in a total amount of \$117 million. Many of the bank's small business customers are from Mexico and are engaged in significant cross-border business enterprises promoting economic development in both countries.

6. Due to the commercial orientation of our bank, we are fully covered by the CFPB Final Rule which is the subject matter of this civil action.

7. Rio Bank has already commenced compliance preparation as a consequence of the implementation dates established under the Final Rule.

8. As such, employee costs have already been incurred and will continue to be incurred throughout the implementation period.

9. For example, the bank assigned its employees to attend a seminar to comply with the Final Rule at which the attached extensive and time-consuming information collection form was distributed. *See Exhibit 1, attached.*

10. We estimate the costs of purchasing, installing, and conducting employee training to implement this data collection program to exceed \$250,000.00 (in part due to the fact that no software currently exists, that we know of, that would allow our institution to fulfill the regulation).

11. We estimate that the cost of employee and supervisory time alone for the remainder of 2023 to be at least \$20,000.00.

12. Notwithstanding the experience and qualifications of our current staff, the bank will be required to hire outside consultants, specialist attorneys, and other experts to interpret, apply, and audit the CFPB Final Rule to its small business lending programs. It is not possible at this time to estimate what all these preliminary cost considerations will total but believe them to be in line with the estimate of the Texas Bankers Association—expressed in its Comment Letter to the CFPB—that it will amount to around \$100,000 per community bank, exclusive of third-party providers.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 25, 2023.

DocuSigned by:

Ford Sasser
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Ford Sasser

Exhibit 1

SMALL BUSINESS LENDING DATA COLLECTION WORKSHEET

LOAN NUMBER		NAME		
APPLICATION DATE ____ / ____ / ____		APPLICATION METHOD 1—In-Person 2—Telephone 3—Online 4—Mail	APPLICATION RECIPIENT 1—Directly (The applicant submitted the application directly to the financial institution or its affiliate) 2—Indirectly (The applicant submitted the application indirectly to the financial institution via a third party)	
MSA No. -----	STATE CODE ---	COUNTY CODE -----	CENSUS TRACT/BNA ----- www.ffiec.gov/geocode ATTACH COPIES	
Property Address				
CRA Address (if different than property address)				
CREDIT TYPE- CREDIT PRODUCT 1—Term Loan - Unsecured 2—Term Loan - Secured 3—Line of Credit - Unsecured 4—Line of Credit - Secured 5—Credit Card Account, Not Private Label 6—Private-Label Credit Card Account 7—Merchant Cash Advance 8—Other Sales-Based Financing Transaction 977—Other (specify in the associated free-form text field) 988—Not provided by applicant and otherwise undetermined		CREDIT TYPE – GUARANTEE TYPE 1—Personal Guarantee - Owner(s) 2—Personal Guarantee - Non-Owner(s) 3—SBA Guarantee - 7(a) Program 4—SBA Guarantee - 504 Program 5—SBA Guarantee - Other 6—USDA Guarantee 7—FHA Insurance 8—Bureau of Indian Affairs Guarantee 9—Other Federal Guarantee 10—State Government Guarantee 11—Local Government Guarantee 977—Other (specify in the associated free-form text field) 999—No Guarantee	CREDIT TYPE – LOAN TERM FLAG AND VALUE 900 —Applicable and reported 988 —Applicable but not provided by applicant and otherwise undetermined 999 —Not applicable If code “900” is reported for the Loan Term Flag Field, report in numerical form the number of months, in whole months, in the loan term. The field is left blank if code “900” is not reported for the Loan Term Flag field. _____ MONTHS	CREDIT PURPOSE 1—Purchase, Construction/Improvement, or Refinance of Non-Owner-Occupied Real Property 2—Purchase, Construction/Improvement, or Refinance of Owner-Occupied Real Property 3—Purchase, Refinance, or Rehabilitation/Repair of Motor Vehicle(s) (including light and heavy trucks) 4—Purchase, Refinance, or Rehabilitation/Repair of Equipment 5—Working Capital (includes inventory or floor planning) 6—Business Start-Up 7—Business Expansion 8—Business Acquisition 9—Refinance Existing Debt (other than refinancings listed above) 10—Line Increase 11—Overdraft 977—Other (specify in the associated free-form text field) 988—Not provided by applicant and otherwise undetermined 999—Not applicable
AMOUNT APPLIED FOR 900 —Applicable and reported 988 —Applicable but not provided by applicant and otherwise undetermined 999 —Not applicable If code “900” is reported, report in numerical form the amount applied for.		AMOUNT APPROVED OR ORIGINATED Enter, in dollars, the amount approved or originated. Example: If the amount approved was \$10,123.59, enter 10123.59.	ACTION TAKEN 1—Originated 2—Approved but Not Accepted 3—Denied 4—Withdrawn by the Applicant 5—Incomplete	ACTION TAKEN DATE Enter, in numeral form, the date of action taken by year, month, and day, using YYYYMMDD format. Example: If the action taken date is July 21, 2028, enter 20280721. _____ / _____ / _____

DENIAL REASONS 1—Credit Characteristics of the Business 2—Credit Characteristics of the Principal Owner(s) Or Guarantor(s) 3—Use of Credit Proceeds 4—Cashflow 5—Collateral 6—Time in Business 7—Government Loan Program Criteria 8—Aggregate Exposure 9—Unverifiable Information 977—Other (specify in the associated free-form text field) 999—Not Applicable	PRICING INFO – INTEREST RATE TYPE 1—The transaction has a variable interest rate and does not have an initial rate period 2—The transaction has a fixed interest rate and does not have an initial rate period 3—The transaction has an initial rate period greater than 12 months, during which the interest rate is variable 4—The transaction has an initial rate period greater than 12 months, during which the interest rate is fixed 5—The transaction has an initial rate period less than or equal to 12 months, after which the interest rate is variable 6—The transaction has an initial rate period less than or equal to 12 months, after which the interest rate is fixed 999—Not Applicable	PRICING INFO – INITIAL RATE PERIOD Enter, as a whole number, the length of the initial rate period expressed in months. ____ MONTHS	PRICING INFORMATION – VARIABLE INTEREST RATE INDEX NAME 1—Wall Street Journal Prime 2—6-month CD rate 3—1-year T-Bill 4—3-year T-Bill 5—5-year T-Note 6—12-month average of 10-year T-Bill 7—Cost of Funds Index (COFI) - National 8—Cost of Funds Index (COFI) - 11th District 9—Constant Maturity Treasury (CMT) 10—Internal Index 977—Other (specify in the associated free-form text field) 999—Not Applicable
	PRICING INFO – FIXED INTEREST RATE VALUE Enter the fixed interest rate value, as a percentage, to at least three (3) decimal places. Example: If the interest rate is 4.125%, enter 4.125. ____ . ____ %	PRICING INFO – VARIABLE INTEREST RATE MARGIN VALUE Enter the margin amount, as a percentage, to at least three (3) decimal places. Example: If the interest rate is 4% plus 4.125% margin, enter 4.125. ____ . ____ %	

PRICING INFO – VARIABLE INDEX RATE VALUE Enter the interest value , as a percentage least three (3) decimal places. Example: If the interest value is 4.125%, enter 4.125. ____ . ____ %	PRICING INFO – INITIAL ANNUAL CHARGES For extensions of credit that were originated or approved but not accepted, enter, in dollars, the amount of the total non-interest charges scheduled to be imposed over the first annual period (i.e., initial annual charges). Example: If the amount was \$1,123.91, enter 1123.91. ____ . ____ . ____	PRICING INFO – MCA/SALES BASED FINANCING COSTS FLAG AND VALUE For an extension of credit that was originated or approved, but not accepted, and was a merchant cash advance or other sales based financing transaction Indicate, indicate whether there are costs for this type of financing by entering one (1) of the specified code numbers: 900—Applicable 999—Not Applicable If code “900” is reported, enter, in dollars, the difference between the amount advanced and the amount to be repaid. Example: If the amount was \$10,123.91, enter 10123.91. ____ . ____ . ____	PRICING INFO – PREPAYMENT PENALTY AVAILABILITY For an extension of credit that was originated or approved but not accepted, indicate whether the financial institution could impose a prepayment penalty under current policies and procedures by entering one (1) of the specified code numbers: 1—Yes 2—No 999—Not Applicable
PRICING INFO – TOTAL BROKER FEES For extensions of credit that were originated or approved but not accepted, enter, in dollars, the total amount of broker fees. Example: If the amount was \$1,123.91, enter 1123.91. ____ . ____ . ____			PRICING INFO – PREPAYMENT PENALTY INCLUDED Indicate whether the terms of the transaction include a prepayment penalty by entering one (1) of the specified code numbers: 1—Yes 2—No 999—Not Applicable

CENSUS TRACT – ADDRESS TYPE Indicate the address or location type used to determine the census tract provided in Field 35 by entering one (1) of the specified code numbers: 1 —Address or location where the loan proceeds will principally be applied 2 —Address or location of borrower's main office or headquarters 3 —Another address or location associated with the applicant 988 —Not provided by applicant and otherwise undetermined.	GROSS ANNUAL REVENUE FLAG AND VALUE Indicate whether gross annual revenue is reported by entering one (1) of the specified code numbers: 900 —Reported 988 —Not provided by applicant and otherwise undetermined If code "900" is reported, report, in dollars, the applicant's gross annual revenue for its preceding full fiscal year. If a business has no gross annual revenue to report, the financial institution reports "0" as the amount. — — — — —	NAICS CODE FLAG AND VALUE Indicate whether NAICS code is reported by entering one (1) of the specified code numbers: 900 —Reported 988 —Not provided by applicant and otherwise undetermined If code "900" is reported, enter a 3-digit subsector code for the NAICS code applicable to the applicant and in effect on January 1 of the calendar year applicable to the SBLAR. Example: Enter 311 for a business engaged in the Food Processing Sector. — — — —	NUMBER OF WORKERS Indicate the range of the number of workers by entering one (1) of the specified code numbers: 1 —Firms with no workers 2 —Firms with 1 to 4 workers 3 —Firms with 5 to 9 workers 4 —Firms with 10 to 19 workers 5 —Firms with 20 to 49 workers 6 —Firms with 50 to 99 workers 7 —Firms with 100 to 249 workers 8 —Firms with 250 to 499 workers 9 —Firms with 500 workers or more 988 —Not provided by applicant and otherwise undetermined.
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TIME IN BUSINESS TYPE AND VALUE Indicate the applicant's time in business by entering one (1) of the specified code numbers: 1 —The number of years the applicant has been in business is collected or obtained by the financial institution (specify in the Time In Business Value Field) 2 —Applicant has been in business less than two years 3 —Applicant has been in business two or more years 988 —Not provided by applicant and otherwise undetermined. If code "1" is reported, the financial institution must specify the number of years the applicant has been in business, rounded down to the nearest whole number of years, in the value field. The field is left blank if code "1" is not used. — —	BUSINESS OWNERSHIP STATUS Indicate whether the applicant identified the business as Minority-Owned, Women-Owned, and/or LGBTQI+-owned by entering up to three (3) of the specified code numbers: 1 —Minority-owned business 2 —Women-owned business 3 —LGBTQI+-owned business 955 —None of these apply 966 —The applicant responded that they did not wish to provide this information 988 —Not provided by applicant	NUMBER OF PRINCIPAL OWNERS FLAG AND VALUE Indicate whether the number of principal owners is reported by entering one (1) of the specified code numbers: 900 —Reported 988 —Not provided by applicant and otherwise undetermined If code "900" is reported, report in numerical form the number of principal owners. The field is left blank if code "900" is not reported for the Number of Principal Owners Flag Field. — —
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ETHNICITY OF PRINCIPAL OWNERS 1, 2, 3, AND 4 Indicate the aggregate and disaggregate categorical ethnicity of each principal owner provided by the applicant by entering the specified code(s) below that match: 1 —Hispanic or Latino 11 —Cuban 12 —Mexican 13 —Puerto Rican 14 —Other Hispanic or Latino Ethnicity 2 —Not Hispanic or Latino 966 —Applicant responded they did not wish to provide this information 977 —Applicant responded in the Free-Form Text Field (specify in the associated Free-Form Text Field) 988 —Not provided by applicant	SEX / GENDER OF PRINCIPAL OWNERS 1, 2, 3, AND 4 Indicate whether the applicant provided the sex/gender of each principal owner by entering: 1 —The applicant responded in the free-form text field (specify in the associated free-form text field) 966 —The applicant responded that they did not wish to provide this information 988 —Not provided by applicant
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<p>RACE OF PRINCIPAL OWNERS 1, 2, 3, AND 4 Indicate the aggregate and/or disaggregate categorical race of each principal owner provided by the applicant by entering the specified code(s) below that match: 1—American Indian or Alaska Native NOTE: If the applicant did not select Code 1 but provided the principal owner's American Indian or Alaska Native Enrolled or Principal Tribe(s) in the corresponding Race Free-Form Text Field your institution is permitted, but not required, to report Code 1 for that principal owner.</p>	<p>RACE OF PRINCIPAL OWNERS 1, 2, 3, AND 4 Indicate the aggregate and/or disaggregate categorical race of each principal owner provided by the applicant by entering the specified code(s) below that match: 2—Asian 21—Asian Indian 22—Chinese 23—Filipino 24—Japanese 25—Korean 26—Vietnamese 27—Other Asian Race NOTE: If the applicant did not select Code 27 but provided principal owner's other Asian race(s) in the corresponding Race Free-Form Text Field, your institution is permitted, but not required, to report Code 27 for that principal owner.</p>	<p>RACE OF PRINCIPAL OWNERS 1, 2, 3, AND 4 Indicate the aggregate and/or disaggregate categorical race of each principal owner provided by the applicant by entering the specified code(s) below that match: 3—Black or African American 31—African American 32—Ethiopian 33—Haitian 34—Jamaican 35—Nigerian 36—Somali 37—Other Black or African American Race NOTE: If the applicant did not select Code 37 but provided principal owner's other Black or African American race(s) in the corresponding Race Free-Form Text Field, your institution is permitted, but not required, to report Code 37 for that principal owner.</p>
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<p>RACE OF PRINCIPAL OWNERS 1, 2, 3, AND 4 Indicate the aggregate and/or disaggregate categorical race of each principal owner provided by the applicant by entering the specified code(s) below that match: 4—Native Hawaiian or Other Pacific Islander 41—Guamanian or Chamorro Code 42—Native Hawaiian 43—Samoan 44—Other Pacific Islander Race NOTE: If the applicant did not select Code 44 but provided the principal owner's other Pacific Islander race(s) in the corresponding Race Free-Form Text Field, your institution is permitted, but not required, to report Code 44 for that principal owner.</p>	<p>RACE OF PRINCIPAL OWNERS 1, 2, 3, AND 4 Indicate the aggregate and/or disaggregate categorical race of each principal owner provided by the applicant by entering the specified code(s) below that match: 5—White</p>	<p>RACE OF PRINCIPAL OWNERS 1, 2, 3, AND 4 Indicate the aggregate and/or disaggregate categorical race of each principal owner provided by the applicant by entering the specified code(s) below that match: 966—The applicant responded that they did not wish to provide this information 971—The applicant responded in the free-form text field for American Indian or Alaska Native Enrolled or Principal Tribe (specify in the associated free-form text field) 972—The applicant responded in the free-form text field for Other Asian race(specify in the associated free-form text field) 973—The applicant responded in the free form text field for Other Black or African race (specify in the associated free form text field) 974—The applicant responded in the free-form text field for Other Pacific Islander race 988—Not provided by applicant</p>
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Prepared By: _____

Date: _____

Reviewed By: _____

Date: _____